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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,666	10/29/2003	Susumu Yamada	S008-P03193US	6837
33356	7590	11/02/2006	EXAMINER	
SoCAL IP LAW GROUP LLP 310 N. WESTLAKE BLVD. STE 120 WESTLAKE VILLAGE, CA 91362			ART UNIT	PAPER NUMBER

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

20061026

DATE MAILED:

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Commissioner for Patents

Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and 2(two) submissions, filed on 8/22 and 8/23/2006. The submissions, however, are not fully responsive to the prior Office action because:

a) Applicants cannot file an RCE to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined as a matter of right (i.e., applicant cannot switch inventions). See 37 CFR 1.145, 706.07(h) Request for Continued Examination (RCE) Practice, Paragraph VI (B) "Presentation of claims for different invention"

If an RCE is filed with an amendment canceling all claims drawn to the elected invention and presenting only claims drawn to a nonelected invention, the RCE should be treated as a proper RCE but the amendment should not be entered. The amendment is not fully responsive and applicant should be given a time period of one month or thirty days (whichever is longer) to submit a complete reply. See MPEP § 821.03.

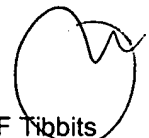
b) 8.04 Election by Original Presentation

Newly submitted claim 1 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: "a battery comprising a storage section for storing information relating to the battery" v. "a battery comprising a storage section in which information for identifying a device...is stored" [see amendment filed 8/22/2006; paragraphs (0011; 0012; 0013) of published application 20050048359].

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 1 and 4 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Since the submission appears to be a bona fide attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period for reply supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR

1.136(a).


Pia F Tibbits
Primary Examiner
Art Unit: 2838